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Law and Terrorism: **Theoretical and** **Comparative Perspectives**

Prof. Daphne Barak-Erez

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Law and Terrorism: Theoretical and Comparative Perspectives

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Lesson 1: The Definition of Terrorism and its Implications

Resolution 1373 of the UN Security Council of September 28th 2001 (Anti-Terrorism Resolution)

David Jenkins "In Support of Canada's Anti-Terrorism Act: a Comparison of Canadian, British, and American Anti-Terrorism Law" 66 Sask. L. Rev. 419 (2003)

Lesson 2: Torture and Physical Measures in Interrogations

Universal Declaration of Human Rights, Article 5

International Covenant on Civil and Political Rights, Article 7

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Articles 1-4, 16

HCJ 5100/94 Public Committee Against Torture in Israel v. The Association for Civil Rights in Israel (Israel)

App. No. 5310/71 Republic of Ireland v. United Kingdom 2 E.H.R.R. 25 (1980) (selected paragraphs)

David Luban "Liberalism, Torture, and the Ticking Bomb" 91 Va. L. Rev. 1425 (2005)

Lesson 3: Targeted Killings of Terrorists

Georg Nolte "Preventive Use of Force and Preventive Killings: Moves into a Different Order" 5 Theoretical Inquiries in Law 111 (2004).

Daniel Statman "Targeted Killings" 5 Theoretical Inquiries in Law 179 (2004).

Lesson 4: Unlawful Combatants

Geneva Convention Relative to the Treatment of Prisoners of War 1949, Articles 3-5.

Geneva Convention Relative to the Protection of Civilian Persons in Time of War 1949, Articles 4-5.

Protocol Additional to the Geneva Conventions 1977 (Protocol 1), Articles 43-45, 75

Hamdi v. Rumsfeld 124 S. Ct. 2633 (2004) (Justice O'Connor)

Hamdan v. Rumsfeld (Justice Stevens)

Incarceration of Unlawful Combatants Law 2002 (Israel)

Military Commissions Act 2006 (United States) (selected sections)

Lesson 5: Detentions Outside the Frame of Criminal Law

Emergency Powers (Detention) Law 1979 (Israel) (reprinted in: 21 Colum. Hum. Rts. L. Rev. 510-513).

A (FC) and others (FC) (Appellants) v. Secretary of State for the Home Department [2004] (re Anti-Terrorism, Crime and Security Act, 2001, Sections 21-23) (paragraphs 1-3, 46-73) (England)

Prevention of Terrorism Act 2005, sections 1-2 (England)

Lesson 6: The Impact of Anti-Terrorism Measures on Civilian Population

Geneva Convention Relative to the Protection of Civilian Persons in Time of War 1949 (selected sections)

HCJ 7015/02 Ajuri v. IDF Commander in West Bank (Israel) (Assigned residence)

HCJ 3799/02 Adalah – The Legal Center for Arab Minority in Israel v. GOC Central Command, IDF (Israel) (Neighbor Procedure)

Daphne Barak-Erez "The International Law of Human Rights and Constitutional Law: A Case Study of an Expanding Dialogue" 2 ICON - International Journal of Constitutional Law 611, 618-623 (2004)

Daphne Barak-Erez "The Security Barrier – Between International Law, Constitutional Law and Domestic Judicial Review" 4 ICON - International Journal of Constitutional Law 540 (2006)

Lesson 7: The Future of Human Rights in an Era of Terrorism

Kent Roach "Must We Trade Rights for Security? The Choice Between Smart, Harsh, or Proportionate Security Strategies in Canada and Britain" 27 Cardozo L. Rev. 2151-2203 (2006).

Bruce Ackerman "The Emergency Constitution" 113 Yale L.J. 1029, 1045-1053 (2004).